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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,084	03/22/2004	Kelly M. Christensen	STRATOS.006A	1383

20995 7590 04/12/2007  
KNOBBE MARTENS OLSON & BEAR LLP  
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IRVINE, CA 92614

EXAMINER
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SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/12/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/12/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

**Office Action Summary**

Application No.

10/806,084

Applicant(s)

CHRISTENSEN ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) 12-33 and 38-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/06/06</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Henrick (U.S. Patent Number 6,507,727).

***Regarding claim 1***, Henrick discloses all of the claimed invention as set forth in the instant application, additionally Henrick discloses a method for responding to a broadcast, the method comprising: extracting an event identifier from a broadcast signal (block 312); detecting a response by a user to the broadcast signal (block 402); polling a communications device to determine a user identifier (block 402); communicating the event identifier (block 406) and the user identifier (block 408) when the user response is detected (as exhibited in figure 4, and which reads on column 5 lines 11-47).

***Regarding claim 2***, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user response corresponds to the user tuning into a broadcast frequency (which reads on column 2 lines 60-67).

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**Regarding claim 3**, Henrick discloses everything claimed as applied above additionally, Henrick discloses a comprising communicating a time corresponding to a time of broadcast (which reads on column 1 lines 20-47).

**Regarding claim 4**, Henrick discloses everything claimed as applied above additionally, Henrick discloses comprising communicating a time corresponding to a time of user response (which reads on column 1 lines 20-47).

**Regarding claim 5**, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user identifier corresponds to a network address (which reads on column 5 lines 11-47).

**Regarding claim 6**, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user identifier corresponds to a telephone number (which reads on column 5 lines 11-47).

**Regarding claim 7**, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user identifier corresponds to a credit card (which reads on column 5 lines 11-47).

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**Regarding claim 8**, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user identifier corresponds to a vehicle identification number (which reads on column 5 lines 11-47).

**Regarding claim 9**, Henrick discloses everything claimed as applied above additionally, Henrick discloses the communications device is wireless (which reads on column 1 lines 20-47).

**Regarding claim 10**, Henrick discloses everything claimed as applied above additionally, Henrick discloses the polling occurs over a wireless network (which reads on column 5 lines 11-47).

**Regarding claim 11**, Henrick discloses everything claimed as applied above additionally, Henrick discloses using the communicated event identifier to identify an event in a database (which reads on column 5 lines 11-47).

**Regarding claim 34**, Henrick discloses everything claimed as applied above additionally, Henrick discloses a method for tracking user response to a broadcast, the method comprising: broadcasting at least one event identifier over a subcarrier channel (block 312); receiving at least one data packet from a broadcast receiver in response to the at least one broadcast event identifier (block 402); and providing a summary of the received at least one data packet (as exhibited in figure 4, and which reads on column 5 lines 11-47).

***Regarding claim 35,*** Henrick discloses everything claimed as applied above additionally, Henrick discloses the at least one data packet was received without user initiation (which reads on column 5 lines 11-47).

***Regarding claim 36,*** Henrick discloses everything claimed as applied above additionally, Henrick discloses the at least one data packet is tracked according to user, and a user is rewarded for the receipt of the at least one data packet (which reads on column 5 lines 11-47).

***Regarding claim 37,*** Henrick discloses everything claimed as applied above additionally, Henrick discloses the at least one data packet was forwarded by a first user to a second user, and the first user is rewarded for the receipt of the at least one data packet (which reads on column 5 lines 11-47).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sheila Smith  
March 25, 2007

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**